

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JUDGE JOAN H. LEFKOW

U.S. EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

AMERICALL GROUP, INC.

Defendant.

MAGISTRATE JUDGE  
GERALDINE SOAT BROWN

04C 5554

Civil Action No.

COMPLAINT  
JURY DEMAND

DOCKETED  
AUG 25 2004

CLERK  
DISTRICT COURT  
04 AUG 24 AM 10:20

FILED-ED04

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. § 12101 et seq., and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of disability, and to provide appropriate relief to an applicant who was adversely affected by such practices. As alleged with greater particularity below, Defendant Americall Group, Inc. ("Defendant") refused to extend an offer of employment to an applicant, a qualified individual with a disability, blindness, because of her disability.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42

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U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

**PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. Defendant, Americall Group, is incorporated in the State of Delaware. At all relevant times, Defendant has continuously been doing business in the State of Illinois and the Village of Lansing, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. § 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Defendant has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

**STATEMENT OF CLAIMS**

7. More than thirty days prior to the institution of this lawsuit, the applicant filed a charge with the Commission alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least December 17, 2002, Defendant has engaged in unlawful employment practices in violation of Section 102(a) and 102(b)(5) of Title I of the ADA, 42 U.S.C. §§ 12112(a). Such practices include, but are not limited to: failing to extend an offer of employment to the applicant because of her disability.

9. The effect of the practices complained of in paragraph 8 above has been to deprive the applicant of equal employment opportunities and otherwise adversely affect her status as an employee because of her disability.

10. The unlawful employment practices complained of in paragraphs 8 and 9 above were intentional.

11. The unlawful employment practices complained of in paragraphs 8 and 9 above were done with malice or with reckless indifference to the federally protected rights of the applicant.

**PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability.

B. Order Defendant to institute and carry out policies, practices, and programs which

provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole the applicant, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant to make whole The applicant by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 and 9 above, including job search and medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole The applicant by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 8 and 9 above, including pain, suffering, emotional distress, injury to his professional reputation, inconvenience, and mental anguish, in amounts to be determined at trial.

F. Order Defendant to pay The applicant punitive damages for its malicious and reckless conduct, as described in paragraphs 8 and 9, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

**JURY TRIAL DEMANDED**

The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

ERIC S. DREIBAND

General Counsel

JAMES LEE

Deputy General Counsel

GWENDOLYN YOUNG REAMS

Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

1801 L Street, N.W.  
Washington, D.C. 20507



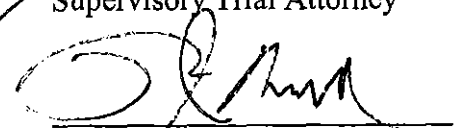
John G. Hendrickson

Regional Attorney



Gregory Cochran

Supervisory Trial Attorney



Richard J. Mrizek

Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
MAGISTRATE JUDGE  
GERALDINE SOAT BROOK

Civil Cover Sheet **04C 5554**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

**Plaintiff(s): U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

**Defendant(s): Americall Group, Inc.**

County of Residence:

County of Residence:

Plaintiff's Atty: Richard J. Mrizek  
Equal Employment Opportunity  
Commission  
500 W. Madison, Suite 2800  
Chicago, IL 60661  
312-886-9078

Defendant's Atty: Kathryn E. Korn  
Law Offices of Kathryn E.  
Korn  
8501 W. Higgins, Suite 440,  
Chicago, IL 60631

II. Basis of Jurisdiction: **1. U.S. Gov't Plaintiff**

III. Citizenship of Principal  
Parties (Diversity Cases Only)

Plaintiff: - N/A  
Defendant: - N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **442 Employment**

VI. Cause of Action: **Title I of the Americans with Disabilities Act of 1990 (the "ADA"),  
42 U.S.C. § 12101 et seq., and Title I of the Civil Rights Act of 1991,  
42 U.S.C. § 1981a, to correct unlawful employment practices on the  
basis of disability,**

VII. Requested in Complaint

Class Action:  
Dollar Demand:  
Jury Demand: Yes

VIII. This case IS NOT a refiling of a previously dismissed case.

Signature: 

Date: 8/24/04

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 06/28/00

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

JUDGE JOAN H. LEFKOW

In the Matter of

EASTERN DIVISION

U.S. Equal Employment Opportunity Commission  
v.  
Americall Group, Inc.

**MAGISTRATE JUDGE  
GERALDINE SOAT SEOWAN**  
Case Number:

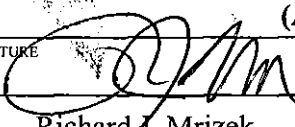
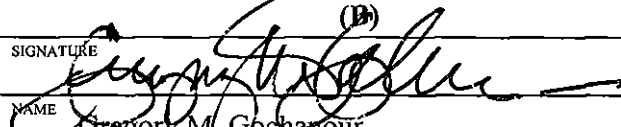
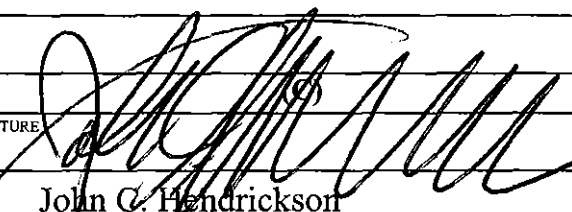
**04C 5554**

U.S. DISTRICT COURT  
CLEAN

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APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

<b>(A)</b>		<b>(B)</b>	
SIGNATURE 		SIGNATURE 	
NAME Richard J. Mrizek		NAME Gregory M. Gochanour	
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission	
STREET ADDRESS 500 West Madison, Suite 2800		STREET ADDRESS 500 West Madison, Suite 2800	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP Chicago, IL 60661	
TELEPHONE NUMBER 312-886-9078	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-886-9124	FAX NUMBER 312-353-8555
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06237730		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804	
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
SIGNATURE 		<b>(D)</b>	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
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CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP	
TELEPHONE NUMBER 312-353-8551	FAX NUMBER 312-353-8555	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	

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